

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SHERMAIN COLEMAN,

Plaintiff,

v.

Case No.: 3:13-cv-02765-L

GO FRAC, LLC,

Defendant.

MOTION FOR ENTRY OF CLERK'S DEFAULT

COMES NOW the Plaintiff, SHERMAIN COLEMAN, by and through his undersigned counsel and pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, and hereby moves for entry of a default by the Clerk of the Court against the Defendant, GO FRAC, LLC, for failure to serve any paper on the undersigned or file any paper required by law and state as follows:

1. On July 17, 2013, Plaintiff filed a complaint for unpaid overtime wage compensation under the Fair Labor Standards Act, as amended, 29 U.S.C. §201, et. cet. ("FLSA").

2. On July 23, 2013, Defendant's Registered Agent, CT Corporation System, was served with a summons and a copy of the Complaint. (DKT 5)

3. Pursuant to Rule 12 of the Federal Rules of Civil Procedure, and in accordance with Fifth Circuit precedent, Defendant was required to file, through counsel, a pleading in response to the Complaint within twenty-one (21) days of being served with the Complaint. Defendant's response to the Complaint was due on or before August 13, 2013.

4. At the time of filing the instant Motion, Defendant has not filed a response to the Complaint and has therefore failed to plead or otherwise defend this case as provided by the Federal Rules of Civil Procedure.

WHEREFORE, Plaintiff respectfully requests that in accordance with Rule 55(a) of the Federal Rules of Civil Procedure, the clerk enter a default against GO FRAC, LLC for failure to serve any paper on the undersigned or file any paper required by law.

Respectfully submitted this 22nd day of August, 2013.

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/s/ Charles L. Scalise
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DANIEL B. ROSS
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 22, 2013, I mailed the foregoing document and the notice of electronic filing by first-class mail to the following non-CMIECF participants:

Go Frac, LLC
CT Corporation System, Registered Agent
350 N. St. Paul Street, Suite 2900
Dallas, TX 75201

/s/ Charles L. Scalise
CHARLES L. SCALISE